

IN RE: PETITIONS FOR SPECIAL EXCEPTION \* BEFORE THE  
AND ZONING VARIANCE - NE/S of \* DEPUTY ZONING COMMISSIONER  
Necker Avenue, 618' SE of the  
c/1 of Belair Road (4212 Necker Avenue) \* OF BALTIMORE COUNTY  
11th Election District \* Case No. 93-272-XA  
5th Councilmanic District  
John Galton, et ux  
Petitioners

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Special Exception and a Petition for Zoning Variance filed by the owners of the subject property, John and Mary Galton, by and through their attorney, Newton A. Williams, Esquire. The Petitioners request a special exception to permit and allow the continued use of the subject property as a dog kennel and a variance from Section 421.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a kennel within 0 feet of the property line in lieu of the required 200 feet, all as more particularly described on Petitioner's Exhibit 1.

Appearing on behalf of the Petition were John and Mary Galton, property owners. The Petitioners were represented by Newton A. Williams, Esquire. Also appearing on behalf of the Petition were numerous individuals from the surrounding community, including Richard Wentink and Joseph Sachs, and the adjoining property owner on the northwest side, Donna Ey. Vincent J. Moskunas with M & H Development Engineers, Inc., also appeared on behalf of the Petitioners. Appearing as a Protestant in the matter was Eldridge W. Jones, Jr., the adjoining property owner on the southeast side.

Testimony indicated that the subject property, known as 4212 Necker Avenue, consists of 10,375 sq.ft. zoned D.R. 5.5 and is improved with a single family dwelling. The Petitioners filed the instant Petition

as a result of a complaint filed with the Zoning Administration and Development Management office by Mr. Jones concerning the operation of a dog kennel on the subject property.

Mrs. Galton testified that she has been operating a kennel on her property since she and her husband purchased their property in 1955. She testified that at that time, there were no houses on either side of their property and that she has raised and bred Cocker Spaniels for show on the subject property for the past 38 years. She testified that she has won over 500 ribbons for her dogs. In support of their request, photographs were entered on behalf of the Petitioners which demonstrate that this kennel operation is very clean. The yard is well-manicured and the house is immaculate. It is clear that the Petitioner takes great care to insure that the dogs are properly groomed and that the areas where the dogs relieve themselves are regularly sanitized. Mrs. Galton testified that she cleans the area of the property depicted on Petitioner's Exhibit 1 as the "dog area" at least twice a week with a bleach solution that she prepares. This solution disinfects the area and insures that there are no health problems as a result of this kennel operation.

Mrs. Galton testified that at one time during the operation of this kennel, she had as many as 27 dogs on the property. At the present time, she has 16 Cocker Spaniels on the property, 11 of which are adult dogs and the remaining 5 are puppies.

The Petitioners had the overwhelming support of many of their neighbors in the community, including their immediate neighbor, Donna Ey. Mrs. Ey testified that she has lived next door to the Petitioners since 1965. She stated that the Galton's kennel operation is extremely clean and quiet. Ms. Ey testified that her bedroom window is closest to the

Petitioners' property and that she has never been disturbed by the dogs or any odor that the dogs may produce. She also testified that, in her opinion, the operation of the dog kennel will not devalue her property.

Mr. Richard Wentink also testified on behalf of the Petitioners. He corroborated the testimony of Mrs. Ey in that he believes the kennel operation at the subject location does not create any nuisance to the neighborhood and that the operation is very clean and quiet. He stated that he has been to the Petitioners' home on many occasions and that the dogs have never been a nuisance to him.

Mr. Joseph Sachs also testified on behalf of the Petitioners. Mr. Sachs stated that he has lived in the neighborhood since 1926. He also corroborated the testimony of the other neighbors, stating that the dogs are quiet, do not smell and do not pose any nuisance to the neighborhood.

Mr. Vince Moskunas, a professional engineer, testified on behalf of the Petitioners. Mr. Moskunas testified as to the special exception and variance requirements of Sections 502.1 and 307 of the Baltimore County Zoning Regulations (B.C.Z.R.). He testified as to the layout of the Petitioner's property and the improvements thereon.

Appearing and testifying in opposition to the Petitioners' request was Mr. Eldridge W. Jones, Jr., the adjoining property owner who filed the complaint which prompted this hearing. Mr. Jones testified that he has resided at 4214 Necker Avenue since 1966 and that he and the Petitioners have been neighbors for the past 27 years. Mr. Jones testified that at this time, he objects to the operation of the dog kennel on his neighbors' property. In response to being questioned as to why he waited so long to file a complaint, he stated that what he was once able to tolerate, he can

no longer tolerate. He indicated that he now finds the sound of the dogs and the smell created by the dogs to be offensive.

Some testimony indicated that the reason Mr. Jones was now complaining was due to the removal of a pine tree that once existed in the right-of-way in the front yard between his and the Petitioners' property. Mr. Jones was extremely upset about the removal of this tree without his permission. The Petitioners believe that this is why Mr. Jones is now complaining about the kennel operation which has existed on the property since prior to Mr. Jones' purchase of his home. The removal of this pine tree has no bearing on the ultimate decision which must be made in this case. At issue is whether or not the use of the subject property as a dog kennel meets the special exception requirements set forth in Section 502.1 of the B.C.Z.R.

It is clear that the B.C.Z.R. permits the use proposed in a D.R. 5.5 zone by special exception. However, it must be determined if the conditions as delineated in Section 502.1 of the B.C.Z.R. are satisfied.

After taking into consideration all of the testimony and evidence presented to this Deputy Zoning Commissioner, I am not persuaded that the Petitioners have satisfied the burden established by Section 502.1 of the B.C.Z.R. The Petitioners' property is simply not sufficient in size to support such a use. The problems concerning this kennel operation were brought to light by Mr. Jones who stated that his kitchen window is a mere 10 to 15 feet away from the dog area in the rear yard. Mr. Jones complained of offensive odor and noise caused by the many dogs which are kept on this property. I must take into consideration the testimony of Mr. Jones who resides immediately adjacent to this kennel operation and would be most affected by its use. Mr. Jones testified that he can no longer

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By [Signature]

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tolerate the operation of a kennel on the subject property and demands that it cease at this time. In light of all the testimony and evidence presented at the hearing, the Petitioners' request for special exception should be denied.

While I am compelled to deny the Petitioners' request for special exception, this denial should in no way reflect adversely upon the character and reputation of Mrs. Galton as a top breeder of Cocker Spaniels. I was very impressed with the cleanliness of her home and the obvious love she has for her dogs. It is indeed unfortunate that the operation of this dog kennel, which has existed on this property for the past 38 years without any prior complaint, had to be brought before me for a hearing. However, I find that a kennel is not an appropriate use of the subject property.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons set forth above, the relief requested in the Petition for Special Exception must be denied. Inasmuch as the Petition for Special Exception has been denied, the Petition for Zoning Variance shall be dismissed as moot.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 23<sup>rd</sup> day of March, 1993 that the Petition for Special Exception to permit and allow the continued use of the subject property as a dog kennel, be and is hereby DENIED; and,

IT IS FURTHER ORDERED that the Petition for Zoning Variance from Section 421.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a kennel within 0 feet of the property line in lieu of the required 200 feet, in accordance with Petitioner's Exhibit 1, be and is hereby DISMISSED as moot.

*Timothy M. Kotroco*  
TIMOTHY M. KOTROCO  
Deputy Zoning Commissioner  
for Baltimore County

TMK:bjs

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Baltimore County Government  
Zoning Commissioner  
Office of Planning and Zoning



Suite 113 Courthouse  
400 Washington Avenue  
Towson, MD 21204

March 23, 1993

(410) 887-4386

Newton A. Williams, Esquire  
210 W. Pennsylvania Avenue, Suite 700  
Towson, Maryland 21204

RE: PETITIONS FOR SPECIAL EXCEPTION & ZONING VARIANCE  
NE/S Necker Avenue, 618' SE of the c/1 of Belair Road  
(4212 Necker Avenue)  
11th Election District - 5th Councilmanic District  
John Galton, et ux - Petitioners  
Case No. 93-272-XA

Dear Mr. Williams:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Special Exception has been denied and the Petition for Variance dismissed as moot in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

*Timothy M. Kotroco*  
TIMOTHY M. KOTROCO  
Deputy Zoning Commissioner  
for Baltimore County

TMK:bjs

cc: Mr. Eldridge W. Jones, Jr.  
4214 Necker Avenue, Baltimore, Md. 21236

People's Counsel

*File*

IN RE: PETITIONS FOR SPECIAL EXCEPTION \* BEFORE THE  
AND ZONING VARIANCE - NE/S of \* DEPUTY ZONING COMMISSIONER  
Necker Avenue, 618' SE of the \* OF BALTIMORE COUNTY  
c/1 of Belair Road (4212 Necker Avenue)  
11th Election District \* Case No. 93-272-XA  
5th Councilmanic District  
John Galton, et ux.  
Petitioners

MOTION FOR RECONSIDERATION

The Petitioners, Mr. John Galton and Mrs. Mary Galton, the owners of 4212 Necker Avenue, in the above entitled matter, by Newton A. Williams, Esquire and Nolan, Plumhoff & Williams, Chartered, their attorneys, respectfully submit this Petition for Reconsideration of the Findings of Fact and Conclusions of Law of the Deputy Zoning Commissioner filed herein on or about March 3, 1993. The grounds of the Motion are as follows:

1. As was brought out at the time of the Hearing herein, the Galtons are dog fanciers, particularly Mrs. Galton, and this is not a commercial kennel run for hire, selling dogs, boarding dogs, or anything of that sort.

2. That as the Deputy Zoning Commissioner will recall, a number of neighbors, including an adjoining neighbor Mrs. Ey testified in favor of the requested kennel Special Exception, based upon the consideration of the Galtons and the quiet, clean nature of the operation.

3. That in the light of the Commissioner's Findings of Fact and Conclusions of Law dated March 23, 1993, the Galton's have reconsidered their request to be allowed to have

up to fifteen (15) dogs on the property, and would respectfully request that the Deputy Zoning Commissioner consider a limited Special Exception as follows:

a. The Special Exception, if it is to be granted, would be personal to the Galtons only, and would not run with the property known as 4212 Necker Avenue, but would terminate upon either the sale of the property by the Galtons or discontinuance by Mrs. Galton of the kennel usage for a year or more.

b. That the Galtons would be limited to no more than six (6) adult dogs on the premises, and would reduce the number of adult dogs present to six (6) within a reasonable period of the date of the proposed, amended Order, and, in the meanwhile, would not increase the number of dogs above the present level. The reason for the grace period is to give Mrs. Galton an opportunity to find good homes for the older dogs, and to reduce to the six (6) dog level in an orderly and reasonable fashion.

4. Such action will be fair to all parties concerned, and will eliminate the need for a costly and time consuming appeal to the County Board of Appeals.

WHEREFORE, the Petitioners, John and Mary Galton would respectfully ask that the Deputy Zoning Commissioner reconsider the Order of March 23, 1993, and would respectfully ask that the Commissioner grant a personal, limited Special Exception, along the lines of those outlined hereinabove.

FURTHER, it is the understanding, of the Petitioners that this Petition for Reconsideration extends the time for the Appeal period, and that the Appeal period would run from such

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By [Signature]

LAW OFFICES  
NOLAN, PLUMHOFF  
& WILLIAMS,  
CHARTERED

LAW OFFICES  
NOLAN, PLUMHOFF  
& WILLIAMS,  
CHARTERED

time as the Deputy Commissioner may be disposed to rule on this Petition, and not from March 23, 1993.

Respectfully submitted,  
*Newton A. Williams*

Newton A. Williams  
Nolan, Plumhoff & Williams, Chtd.  
700 Court Towers  
210 W. Pennsylvania Avenue  
Towson, Maryland 21204  
823-7800

#### CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 12<sup>th</sup> day of April, 1993, a copy of the foregoing Motion for Reconsideration was mailed postage prepaid to Mr. Eldridge W. Jones, Jr., 4214 Necker Avenue, Baltimore, Maryland 21236, Phyllis F. Friedman, Esquire, Baltimore County People's Counsel, Court House, Towson, Maryland 21204 and Peter M. Zimmerman, Esquire, Suite 204, 606 Baltimore Avenue, Towson, Maryland 21204.

*Newton A. Williams*  
NEWTON A. WILLIAMS

3931C

LAW OFFICES  
NOLAN, PLUMHOFF  
& WILLIAMS,  
CHARTERED

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IN RE: PETITIONS FOR SPECIAL EXCEPTION \* BEFORE THE  
AND ZONING VARIANCE - NE/S of \* DEPUTY ZONING COMMISSIONER  
Necker Avenue, 618' SE of the \* OF BALTIMORE COUNTY  
c/l of Belair Road (4212 Necker Avenue)  
11th Election District \* Case No. 93-272-XA  
5th Councilmanic District  
John Galton, et ux  
Petitioners \* \*

#### AMENDED ORDER

This matter came before the Deputy Zoning Commissioner as Petitions for Special Exception and Variance for a dog kennel on the subject property within 0 feet of the property line. The Petitions were filed by the owners of the property, John and Mary Galton, in response to a complaint registered with the Zoning Administration and Development Management (ZADM) office by an adjoining property owner as to the use of their property as a kennel and the number of dogs associated with that use. At that time, the Petitioners maintained 16 dogs on their property, 11 of which were adult dogs and the remaining 5 were puppies.

A public hearing was held on March 17, 1993 and by Order issued March 23, 1993, the special exception request was denied and the variance dismissed as moot. Thereafter, a Motion for Reconsideration was filed by the Galtons on April 12, 1993 seeking a limited special exception for up to six (6) adult dogs in lieu of that originally requested and for said special exception to be exclusive to the Galtons until such time as they no longer resided on the property or Mrs. Galton discontinued the use of same as a kennel for a period of one year or more.

By letter dated April 26, 1993, the adjoining property owner and Protestant in this matter, Mr. Eldridge W. Jones, Jr., advised this office that he was opposed to the relief requested in the Motion for Reconsideration.

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Date 4/16/93  
By [Signature]

tion and requested that the decision made in the Order issued March 23, 1993 remain in effect.

In response to the Petitioners' request for reconsideration, a brief recapitulation of the testimony offered at the hearing is warranted.

Previous testimony demonstrated that the Petitioners have raised and bred Cocker Spaniels on their property for over 38 years. Testimony indicated that all of the dogs were raised as Mrs. Galton's personal pets and that her kennel was not a commercial use where boarding or breeding services were offered to the public. The Petitioners had the overwhelming support of many of their neighbors, several of whom appeared at the hearing and testified as to the clean and quiet operation of the kennel.

More than a year has past since this case was originally heard. During this period of time, the Petitioners have reduced the number of adult dogs on their property to six (6), pending the decision on their Motion for Reconsideration. A telephone call to the Animal Control Board has revealed that they have no record of any complaints ever being filed against the property owners for their use of the property as a kennel, nor have any complaints been filed since the hearing on this matter.

The original request for special exception was for a maximum of fifteen (15) adult dogs. I believed that number to be excessive and therefore denied their request. The Petitioners now seek to maintain only six (6) adult dogs on the premises. Based on the fact that there have been no complaints registered against the property owners, and the overwhelming support of their neighbors, I believe that the use of the property for up to six (6) adult dogs should be permitted, subject to the restrictions set forth hereinafter.

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By [Signature]

The Petitioners had the burden of adducing testimony and evidence which would show that the proposed use met the prescribed standards and requirements set forth in Section 502.1 of the B.C.Z.R. In the opinion of this Deputy Zoning Commissioner, the Petitioners have shown that the proposed use would be conducted without real detriment to the neighborhood and would not adversely affect the public interest. Furthermore, as a condition of the relief granted, I shall require the relocation of the dog run from the southeast side of the property to the northwest side of the property in order to address the concerns raised by Mr. Jones. Lastly, the facts and circumstances do not show that the proposed use on the subject property would have any adverse impact above and beyond that inherently associated with such a special exception use, irrespective of its location within the zone. Schultz v. Pritts, 432 A.2d 1319 (1981).

After reviewing all of the testimony and evidence presented, it appears that the special exception should be granted with certain restrictions as more fully described below. Inasmuch as the Petition for Special Exception has been granted, it becomes necessary to rule upon the request for variance.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and

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ORDER RECEIVED FOR FILING  
Date 4/16/93  
By [Signature]

- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the variance, as modified, is not granted. It has been established that special circumstances or conditions exist that are peculiar to the land or structure which is the subject of this variance request and that the requirements from which the Petitioners seek relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the relief granted will not cause any injury to the public health, safety or general welfare and is in strict harmony with the spirit and intent of the B.C.Z.R.

As noted in earlier testimony, the adjoining property owners on the northwest side, Robert and Donna Ey, indicated that they would have no objections to the Petitioners relocating the dog run from the southeast side of the property to their side of the property, or the northwest side. Therefore, a variance shall be granted for the northwest side of the property and the Petitioners shall be required to relocate the dog run from the southeast side of their property to the northwest side of their property as a condition of the special exception and variance relief granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 11<sup>th</sup> day of April, 1994 that the relief requested in the Motion for Reconsideration in the above-captioned is hereby approved and as such, the Petition for Special Exception for a kennel on the sub-

ject property, be and is hereby GRANTED, subject to the restrictions set forth hereinafter; and,

IT IS FURTHER ORDERED that the Petition for Variance seeking relief from Section 421.1 of the B.C.Z.R. to permit a kennel within 0 feet of the northwest property line in lieu of the required 200 feet, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners are hereby made aware that a new thirty (30) day appeal period exists from the date of this Order. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.
- 2) The special exception relief granted herein is limited to the Galtons and shall not be transferable to any future purchaser, transferee, or lessee of the subject property. At such time as the Petitioners no longer reside on the property or the kennel operation ceases to exist on the site, the special exception granted herein shall terminate.
- 3) The special exception for a kennel is limited to six (6) adult dogs.
- 4) Within sixty (60) days of the date of this Order, the Petitioners shall remove the dog run from the southeast side of their property and relocate same to the northwest side of the property, immediately adjoining the Ey property.
- 5) When applying for any permits, the site plan filed must reference this case and set forth and address the restrictions of this Order.

*Timothy M. Kurocko*  
TIMOTHY M. KUROCKO  
Deputy Zoning Commissioner  
for Baltimore County

TMK:bjs

ORDER RECEIVED FOR FILING  
Date 4/16/94  
By [Signature]

- 5 -

Baltimore County Government  
Zoning Commissioner  
Office of Planning and Zoning



Suite 113 Courthouse  
400 Washington Avenue  
Towson, MD 21204

April 11, 1994

(410) 887-4386

Newton A. Williams, Esquire  
210 West Pennsylvania Avenue, Suite 700  
Towson, Maryland 21204

RE: PETITIONS FOR SPECIAL EXCEPTION & VARIANCE  
NE/S Necker Avenue, 618' SE of the c/l of Belair Road  
(4212 Necker Avenue)  
11th Election District - 5th Councilmanic District  
John Galton, et ux - Petitioners  
Case No. 93-272-XA

Dear Mr. Williams:

Enclosed please find a copy of the amended decision in the above-captioned matter. The Petitions for Special Exception and Variance have been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

*Timothy M. Kurocko*  
TIMOTHY M. KUROCKO  
Deputy Zoning Commissioner  
for Baltimore County

TMK:bjs

cc: Mr. Eldridge W. Jones, Jr.  
4214 Necker Avenue, Baltimore, Md. 21236

People's Counsel

File

ORDER RECEIVED FOR FILING  
Date 4/16/94  
By [Signature]

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## Petition for Special Exception 93-272-XA to the Zoning Commissioner of Baltimore County

for the property located at 4212 Necker Avenue

which is presently zoned D.R.5.5

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Exception under the Zoning Regulations of Baltimore County, to use the herein described property for A kennel for dogs.

Property is to be posted and advertised as prescribed by Zoning Regulations. I or we, agree to pay expenses of above Special Exception advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Legal Owner(s)  
Contract Purchaser/Lessee  
(Type or Print Name)  
Signature  
Address  
City State Zipcode  
Very truly yours,  
Newton A. Williams  
Nolan, Plumhoff & Williams, Chtd.  
700 Court Towers  
210 W. Pennsylvania Avenue  
Towson, Maryland 21204  
Phone No. 823-7800  
Office (823-7800)  
ESTIMATED LENGTH OF HEARING: \_\_\_\_\_  
The following dates: \_\_\_\_\_  
ALL OTHER: \_\_\_\_\_  
REVIEWED BY: J.C. W. DATE: 2-10-93

ORDER RECEIVED FOR FILING  
Date 4/16/93  
By [Signature]





# Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 4212 Necker Avenue

which is presently zoned D.R.5.5

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property shown in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Subchapter 421.1 to permit and allow continued kennel use within 0 feet of a property line in lieu of the required 200 feet.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (Indicate hardship or practical difficulty.)  
1. Existing kennel use is located on a D.R.5.5 lot, formerly R6, and has been quietly and compatibly existent for years.  
2. There is not way to obtain the required setbacks.  
3. All dogs will be kept primarily inside, without outside runs.  
4. Without the requested variance the Petitioners will sustain practical difficulty and unreasonable hardship, and the requested variance will not harm the health, safety and welfare of the area, involved, and it will be in accordance with the spirit and intent of the Regulations.  
Property is to be posted and advertised as prescribed by Zoning Regulations of the Regulations.  
I or we, agree to pay expenses of above Variance advertising, posting, etc. upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Correct Purchaser/Lessee  
(Type or Print Name)  
Signature  
Address  
City State Zipcode  
Agencies for Petitioner  
Newton A. Williams  
210 W. Pennsylvania Avenue 823-7800  
Towson, Maryland 21204  
Date 2-10-93  
By [Signature]

Legal Owner(s)  
John Galton  
(Type or Print Name)  
Signature  
Mary Galton  
(Type or Print Name)  
Signature  
Address  
City State Zipcode  
Baltimore, Maryland 21236  
Phone No. 256-2261  
City State Zipcode  
Newton A. Williams  
210 W. Pennsylvania Avenue 823-7800  
Towson, Maryland 21204  
Phone No. 21204  
City State Zipcode  
ESTIMATED LENGTH OF HEARING  
The following date: 2-10-93  
At: [Signature] OTHER: [Signature]  
REVIEWED BY: JCM DATE: 2-10-93

M. & H. DEVELOPMENT ENGINEERS, INC.  
200 EAST JOPPA ROAD  
ROOM 101, SHELL BUILDING  
TOWSON, MARYLAND 21204

DESCRIPTION FOR  
SPECIAL HEARING & VARIANCE  
4212 NECKER AVENUE

BEGINNING for the same from the intersection formed by the center line of Belair Road (70' right of way) and the northeasterly side of Necker Road (right of way varies) 618 feet ± southeasterly thence from N 50° 11' E, 172.89 feet; thence S 41° 45' E, 60.03 feet; thence S 50° 11' W, 174.91 feet; thence N 39° 41' W, 60 feet ± to the PLACE OF BEGINNING containing

Being recorded among the Land Records of Baltimore County in Liber 2781, folio 203.



Malcolm E. Hudkins

## CERTIFICATE OF POSTING

District: 11th Date of Posting: 2/10/93  
Posted for: Special Exception & Variance  
Petitioner: John & Mary Galton  
Location of property: N 11th & Necker Rd., (4th) 618' 45" / Belair Rd  
Location of Sign: Facing roadway on property of Petitioner  
Remarks: [Signature]  
Posted by: [Signature] Date of return: 3/1/93  
Number of Signs: 2

## CERTIFICATE OF PUBLICATION

TOWSON, MD., February 26, 1993  
THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on Feb. 25, 1993.

THE JEFFERSONIAN,

S. Zeke Orlean  
Publisher



Baltimore County  
Zoning Administration &  
Development Management  
111 West Chesapeake Avenue  
Towson, Maryland 21204

Computer Down

receipt

Account: R 001 4150  
Number

2-10-93  
Petitioners: John & Mary Galton

Amount: \$550.00  
Petitioners: [Signature] - Spec Ex / Var.

04404#002741CHRC \$550.00  
P8 C09332P002-10-93  
Please Make Checks Payable To: Baltimore County



Baltimore County  
Zoning Administration &  
Development Management  
111 West Chesapeake Avenue  
Towson, Maryland 21204

receipt

Account: R 001 4150  
Number

Please Make Checks Payable To: Baltimore County

Baltimore County Government  
Office of Zoning Administration  
and Development Management

111 West Chesapeake Avenue  
Towson, MD 21204

(410) 887-3353

DATE: 3/1/93

John Galton and Mary Galton  
4212 Necker Avenue  
Baltimore, Maryland 21236

RE: CASE NUMBER: 93-272-XA (Item 262)  
NE/S Necker Road, 618' +/- SE of c/l Belair Road  
4212 Necker Road  
11th Election District - 5th Councilmanic  
Petitioner(s): John Galton and Mary Galton  
HEARING: WEDNESDAY, MARCH 17, 1993 at 9:00 a.m. in Rm. 118, Courthouse.

Dear Petitioner(s):

Please be advised that \$157.16 is due for advertising and posting of the above captioned property and hearing date.

THIS FEE MUST BE PAID AND THE HEARING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please forward your check via return mail to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 109, Towson, Maryland 21204. Place the case number on the check and make same payable to Baltimore County, Maryland. In order to avoid delay of the issuance of proper credit and/or your order, immediate attention to this matter is suggested.

ARNOLD JABLON  
DIRECTOR

cc: Newton A. Williams, Esq.

Baltimore County Government  
Office of Zoning Administration  
and Development Management

111 West Chesapeake Avenue  
Towson, MD 21204

(410) 887-3353

FEB 19 1993

### NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 93-272-XA (Item 262)  
NE/S Necker Road, 618' +/- SE of c/l Belair Road  
4212 Necker Road  
11th Election District - 5th Councilmanic  
Petitioner(s): John Galton and Mary Galton  
HEARING: WEDNESDAY, MARCH 17, 1993 at 9:00 a.m. in Rm. 118, Courthouse.

Special Exception for a kennel for dogs.  
Variance to permit and allow continued kennel use within zero feet of a property line in lieu of the required 200 feet.

ARNOLD JABLON  
DIRECTOR

cc: John and Mary Galton  
Newton A. Williams, Esq.

NOTE: HEARINGS ARE SUBSCRIBED ACCORDINGLY; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.

Baltimore County Government  
Office of Zoning Administration  
and Development Management

111 West Chesapeake Avenue  
Towson, MD 21204

(410) 887-3353

March 5, 1993

Newton A. Williams, Esquire  
Nolan, Plumbhoff & Williams  
700 Court Towers  
210 W. Pennsylvania Avenue  
Towson, MD 21204

RE: Case No. 93-272-XA, Item No. 262  
Petitioner: John Galton, et ux  
Petition for Variance

Dear Mr. Williams:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e., Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on February 10, 1993, and a hearing was scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1) The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by Zoning personnel.

93-272-XA 3-7-93

Baltimore County Government  
Fire Department

700 East Joppa Road Suite 901  
Towson, MD 21286-5500

(410) 887-4500

MARCH 2, 1993

Arnold Jablon  
Director  
Zoning Administration and  
Development Management  
Baltimore County Office Building  
Towson, MD 21204

RE: Property Owner: JOHN GALTON AND MARY GALTON

Location: #4212 NECKER ROAD

Item No.: WORK #26 (JCM) Zoning Agenda: FEBRUARY 22, 1993

Gentlemen: #283

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

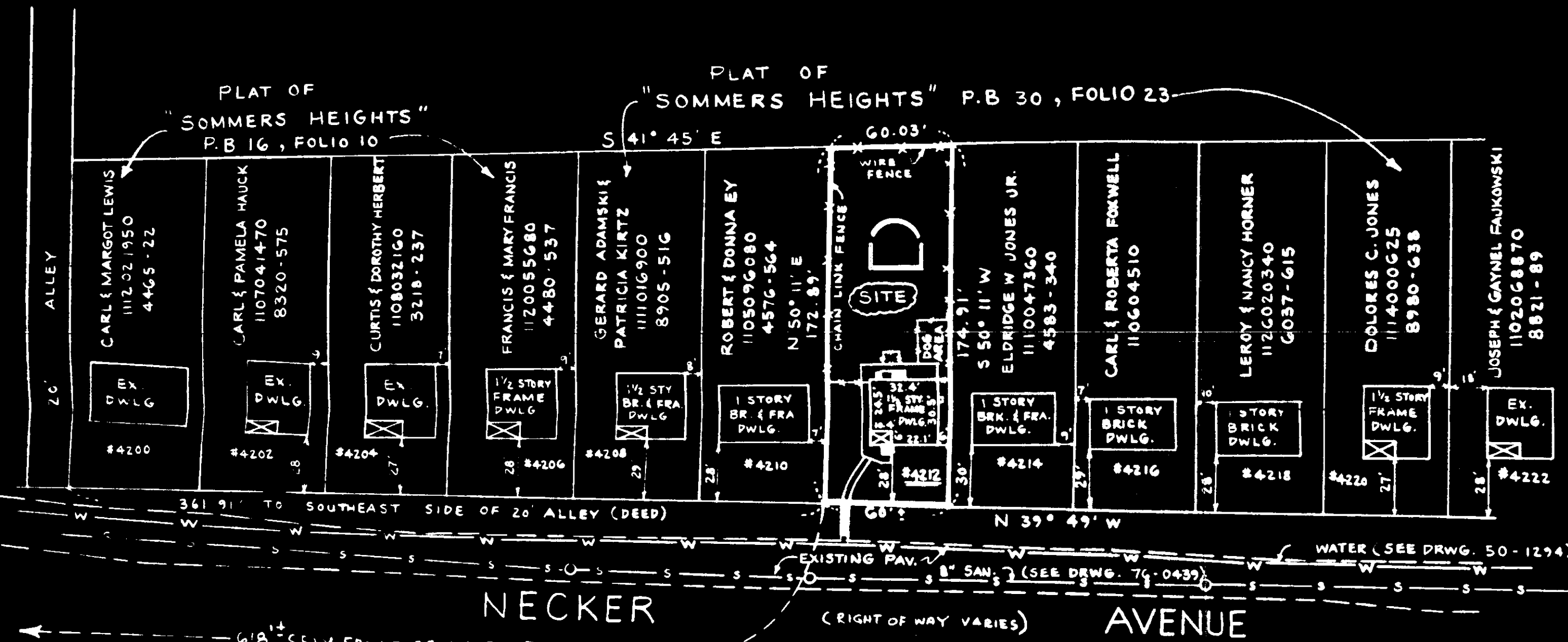
7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: [Signature]  
Planning Group  
Special Inspection Division

JP/KEKH





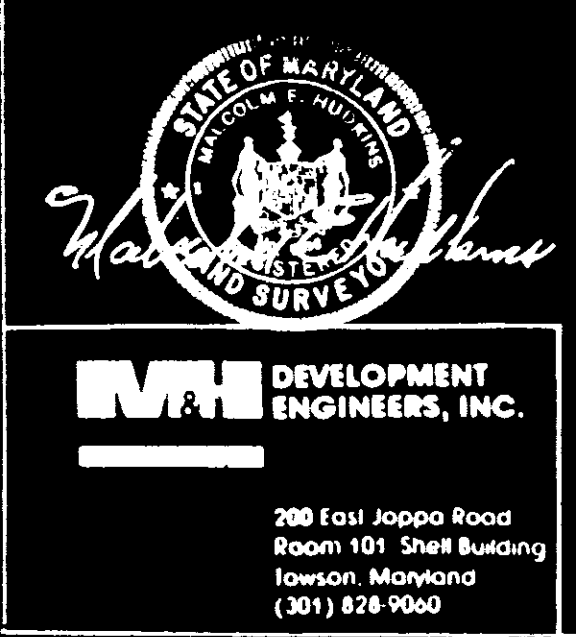
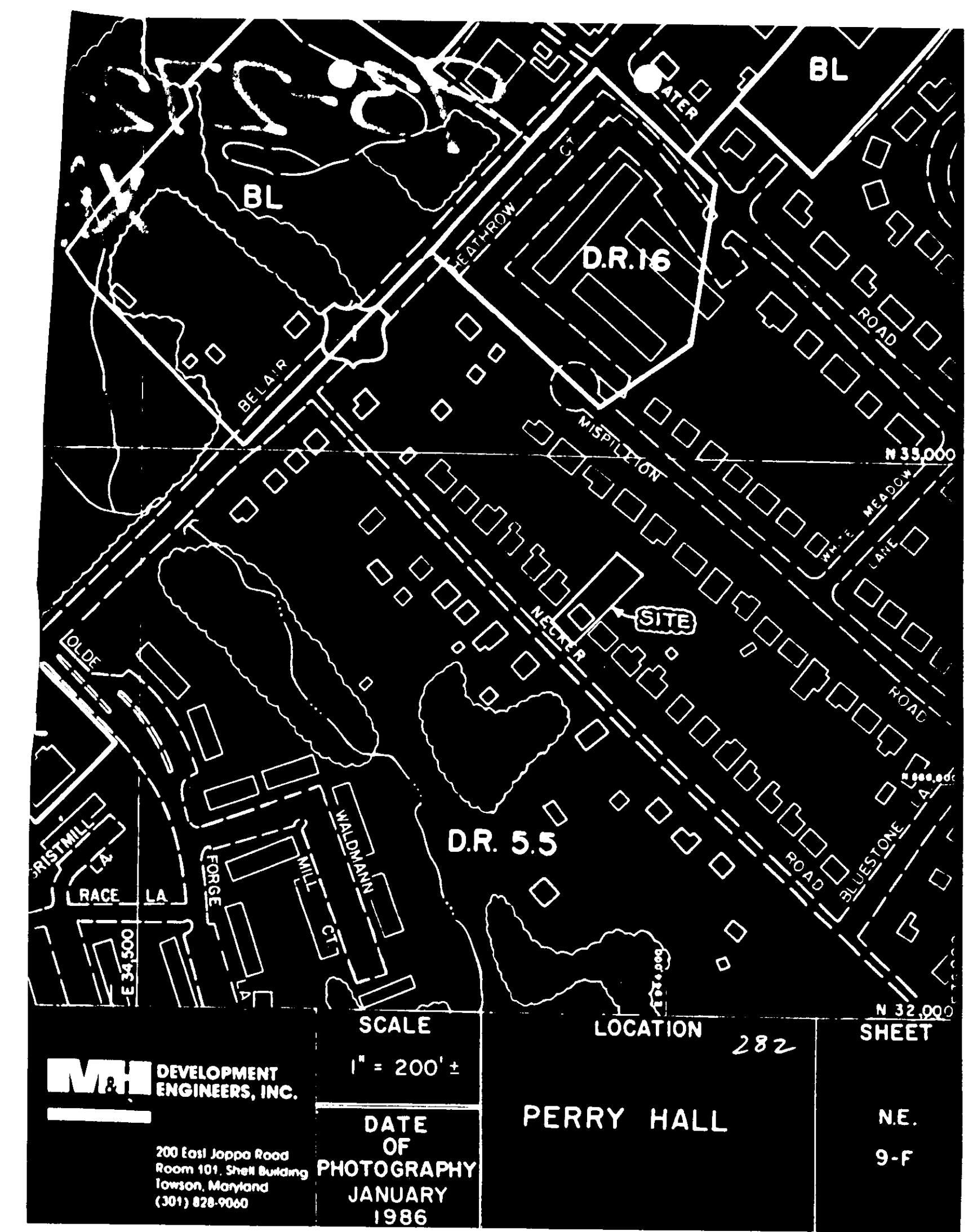


93-272-XA

PETITIONER'S EXHIBIT 1

PLAN TO ACCOMPANY APPLICATION FOR SPECIAL HEARING & VARIANCE  
 OWNER: JOHN & MARY GALTON  
 # 4212 NECKER AVENUE DEED REF: 2781-203  
 11TH ELECTION DISTRICT BALTIMORE CO., MD.  
 5TH COUNCILMANIC DISTRICT TAX ACCT. NO. 1107001350  
 1" = 200' SCALE MAP #: N.E. 9-F  
 ZONING: D.R. 5.5  
 LOT SIZE: .24 ACRES 10,375 SQ. FEET  
 SEWER: PUBLIC WATER: PUBLIC  
 CHESAPEAKE BAY CRITICAL AREA: NO  
 PRIOR ZONING HEARINGS: NONE  
 DATE: 2/10/93

#92-7327

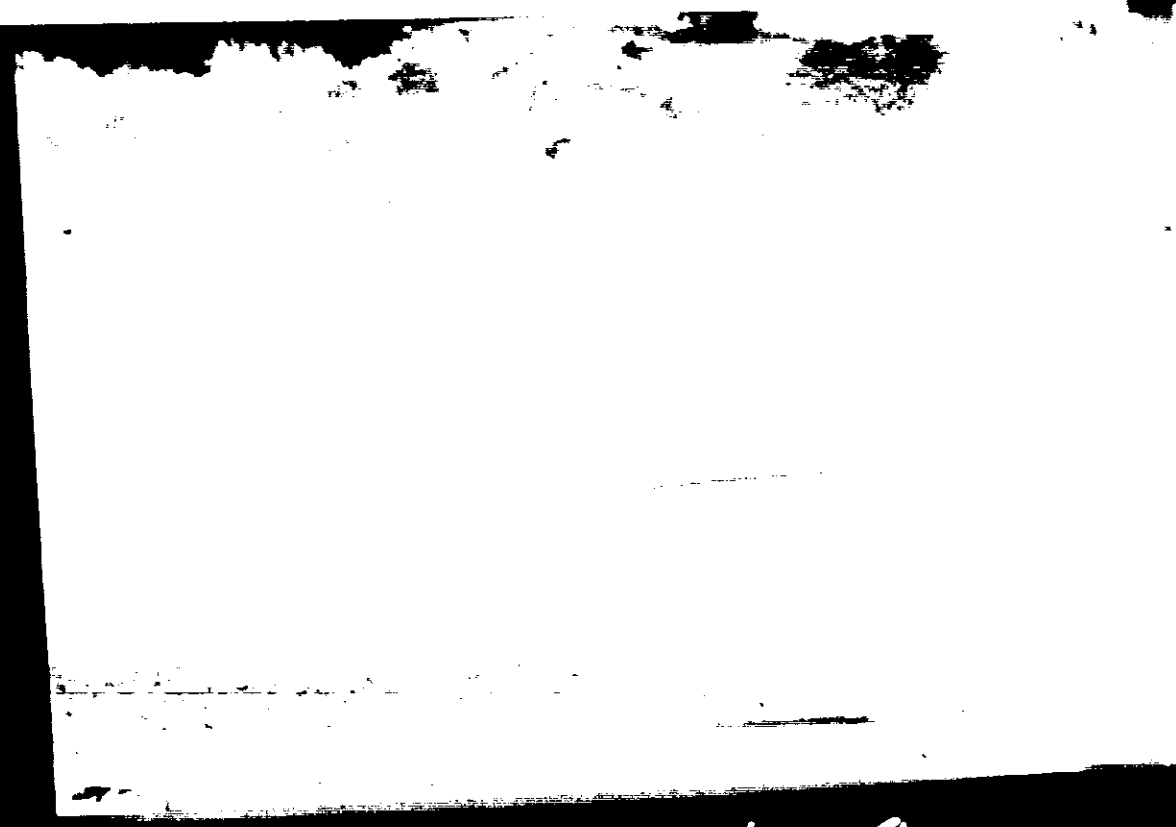


Petitioner's Exhibit 6A-6F

93-272-XA



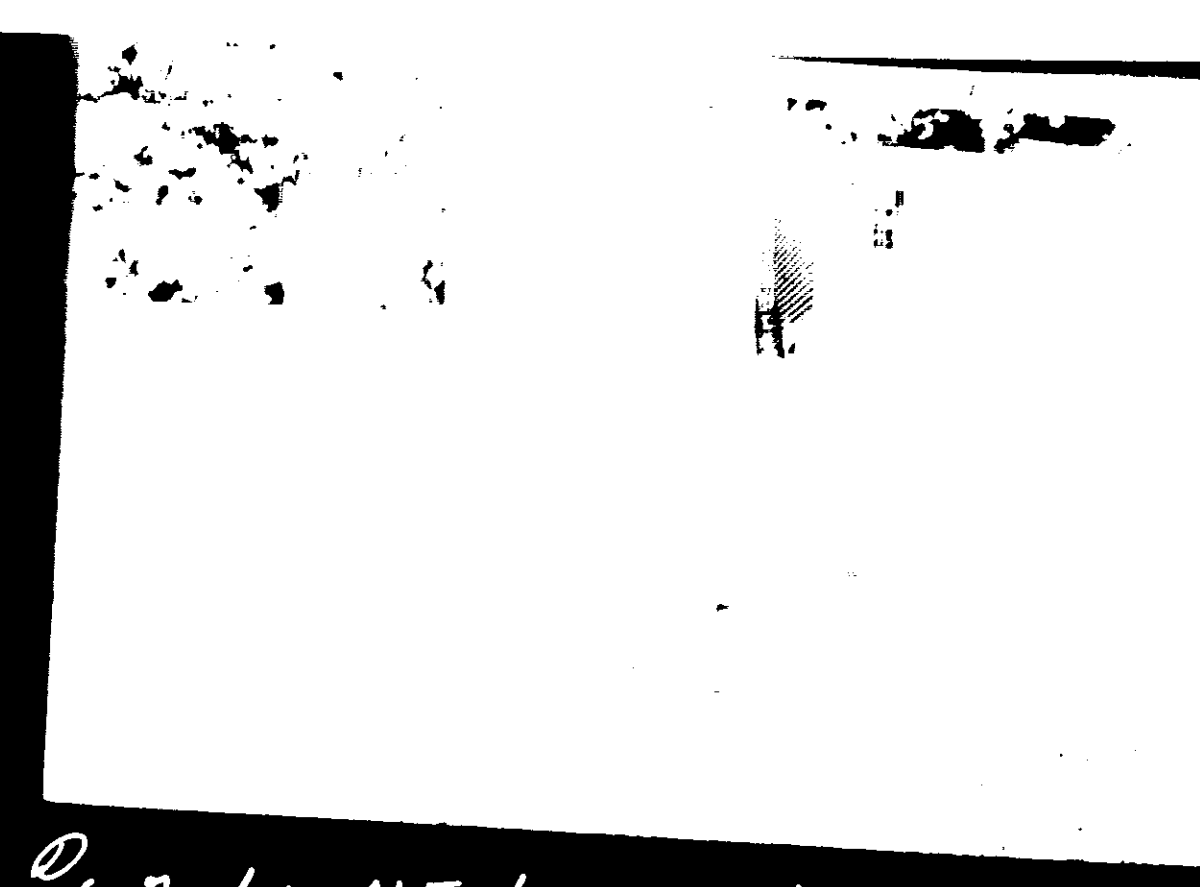
A. The Kalton Property, 4212 Nicker Ave.



B. Looking SW across Nicker Ave.



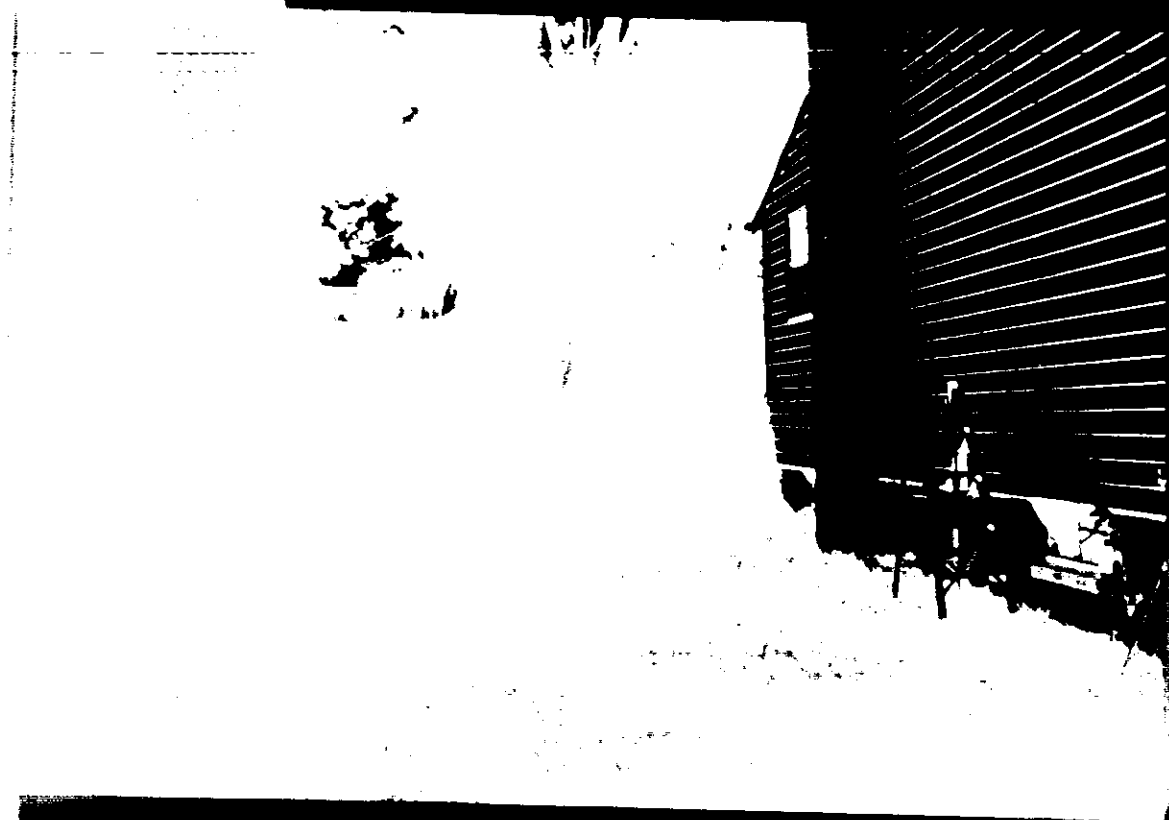
C. Looking NW at 4210 from NW/S of 4212



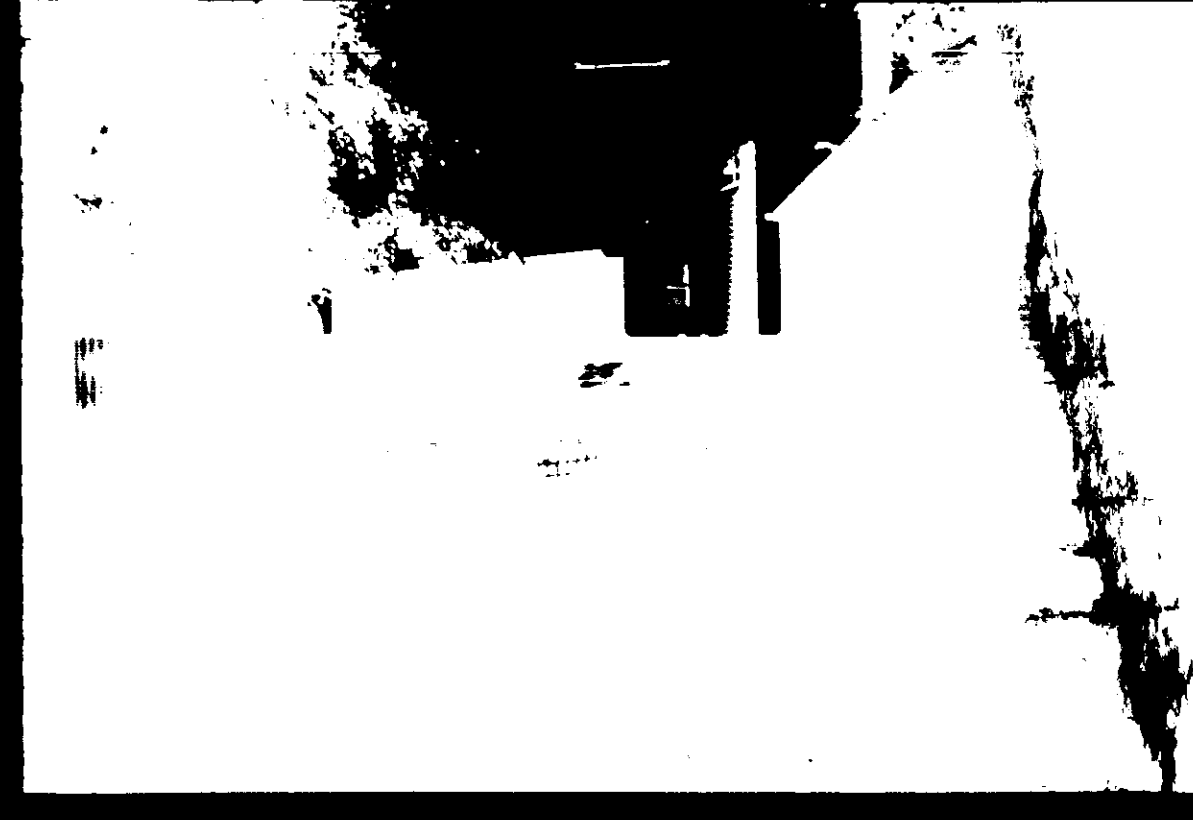
D. Looking NE at 4214 Nicker Ave.

Mr. & Mrs. John Kalton  
4212 Nicker Ave  
Case No. 93-272-XA

PETITIONER'S  
EXHIBIT 2



E. Looking NE between 4212 on left and 4214 to right



F. Looking SE at 4214 Nicker Ave. from 4212 Nicker Ave.



G. Rear yard of Kalton Property at 4210 Nicker Ave.



H. Kennel Area at 4210 looking SE



I. Looking toward rear of yard at 4212



J. Looking across 4214 toward Kennel Area at 4212



K. Rear yard of Kalton at 4212



L. Rear yard of 4212, Kalton, 4214 on right.



BEST OF OPP. SEX